

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:05-00242-02

BRANDON E. PISTORE

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 21, 2014, the United States of America appeared by Meredith George Thomas, Assistant United States Attorney, and the defendant, Brandon E. Pistore, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Greg Swisher. The defendant commenced a three-year term of supervised release in this action on November 22, 2013, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on March 21, 2013.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed methamphetamine as evidenced by his arrest on March 31, 2014, at which time he was charged with possession of methamphetamine after a hit and run accident and methamphetamine was found in his vehicle; his admissions to the probation officer that he had used methamphetamine on January 22, 2014, and February 18, 2014; his admission to the staff at SECOR on June 13, 2014, that he had used methamphetamine and his subsequent positive urine screen; and his signing of a voluntary admission form on June 16, 2014, indicating that he had used methamphetamine on June 13 and 14, 2014; (2) the defendant failed to pay restitution as directed by the court at the rate of \$100 per month inasmuch as he has only paid \$175 while on supervised release; and (3) the defendant failed to abide by the special condition that he spend a period of six months in a community confinement center inasmuch as he entered the program at SECOR on June 13, 2014, and upon arrival disclosed to the staff that he "just shot up one gram of meth early today" at which time the facility deemed him unacceptable for admission

into the program; all as admitted by the defendant on the record of the hearing as set forth in the petition on supervised release.

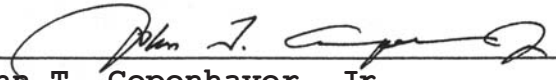
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE MONTHS AND ONE DAY.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 15, 2014



John T. Copenhaver, Jr.
United States District Judge